

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOSEPH GREGORIO, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

PREMIER NUTRITION CORPORATION,

Defendant.

Civil Action No. 1:17-cv-05987-AT

**NOTICE OF MOTION FOR FINAL APPROVAL OF
FIRST AMENDED CLASS ACTION SETTLEMENT**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on January 17, 2019 at 2:00 p.m. before the Honorable Analisa Torres, United States District Judge for the Southern District of New York, 500 Pearl Street, New York, New York 10007, Plaintiff Joseph Gregorio, by and through Class Counsel and Supporting Counsel will move and hereby does move for an order: (1) finally approving the First Amended Class Action Settlement, and (2) certifying the Settlement Class.

PLEASE TAKE FURTHER NOTICE that, in support of the motion, Plaintiff will rely upon: (1) the accompanying Memorandum of Law, (2) the Declaration of Philip L. Fraietta, and the exhibits attached thereto (including the Parties' First Amended Class Action Settlement Agreement), and (3) the Declaration of Orran L. Brown, Sr., and the exhibits attached thereto.

PLEASE TAKE FURTHER NOTICE that the undersigned hereby requests oral argument.

* * *

A Proposed Final Judgment and Order of Dismissal with Prejudice is submitted herewith.

Dated: January 3, 2019

Respectfully submitted,

By: /s/ Philip L. Fraietta
Philip L. Fraietta

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